



1742

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Application of

Alfred Ludwig HEINZ et al

Serial No.: 09/876,233

Examiner: J. Combs-Morillo

Filed: June 8, 2001

Art Unit: 1742

For: DAMAGE TOLERANT ALUMINIUM ALLOY PRODUCT AND METHOD OF ITS
MANUFACTURE

#10
P.O.
03/12/03

SUPPLEMENTAL AMENDMENT

Honorable Commissioner of
Patents and Trademarks
Washington, DC 20231

Sir:

Further to the Amendment filed January 31, 2003, the undersigned for Applicant discovered today that the Amendment inadvertently overlooked two issues in the Office action mailed July 31, 2002, and thus, now presents the following additional remarks on these issues.

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Restriction Requirement

Applicant acknowledges election of the claims of Group I with traverse. Applicant respectfully submits it would not be an undue burden to examine the claims of both Group I and Group II. Thus, Applicant requests withdrawal of the restriction requirement.

Obviousness-type Double Patenting

Claims 1-17 and 28-30 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 and 37-39 of co-pending Application No. 09/845,181. However, applicant takes this opportunity to advise the Examiner that Application No. 09/845,181 has been refiled as Application No. 10/195,483. Thus, assuming this rejection is repeated based upon the '483 application, a Terminal Disclaimer will be filed at an appropriate time. A copy of the '483 application is attached (ATTACHMENT I).



Conclusion

In view of the above, it is respectfully submitted that all objections and rejections are overcome. Thus, a Notice of Allowance is respectfully requested.

Respectfully submitted,

Date: March 10, 2003

By:

Anthony P. Venturino

Registration No. 31,674

APV/bms

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